

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:23-CR-36-TAV-DCP
MARCELUS PHILLIPS and)	
JA-QUANN GREER-JOHNSON,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Marcelus Phillips's Motion to Continue Trial and All Related Deadlines [Doc. 129], filed on August 30, 2024, and Defendant Ja-Quann Greer-Johnson's Motion to Adopt Motion to Continue Trial and All Other Deadlines [Doc. 132], filed on August 30, 2024.

Defendant Phillips asks the Court to continue the trial date and all related deadlines [Doc. 129]. In support of his motion, Defendant Phillips states that his counsel continues to work with counsel for the Government on a plea agreement [*Id.* ¶ 3]. He contends that additional time is needed to finalize and review the agreement [*Id.*]. He represents that counsel for the Government does not object to continuing the trial date [*Id.* ¶ 5]. Defendant Greer-Johnson moved to adopt the motion of Defendant Phillips [Doc. 132]. He contends that he is situated similarly and anticipates a resolution will be finalized soon [*Id.* ¶ 1–2]. Counsel for Defendants Phillips and Greer-Johnson confirmed with chambers via email that Defendants understand their right to a speedy trial.

Based on the parties' positions and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the

interests of Defendants and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary to effectively prepare for trial, accounting for the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Counsel for Defendants Phillips and Greer-Johnson need additional time to engage in plea negotiations and prepare for trial if negotiations are not fruitful. The Court finds that this cannot occur before the October 1, 2024 trial date.

The Court therefore **GRANTS** Defendant Marcelus Phillips’s Motion to Continue Trial and All Related Deadlines [**Doc. 129**] and Defendant Ja-Quann Greer-Johnson’s Motion to Adopt Motion to Continue Trial and All Other Deadlines [**Doc. 132**]. The trial of this case is reset to **January 7, 2025**, and the new schedule is stated in detail below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendants and the public in a speedy trial, the time between the filing of the initial motion on August 30, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

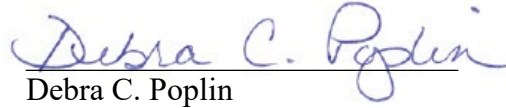
Accordingly, it is **ORDERED** as follows:

- (1) Defendant Marcelus Phillips’s Motion to Continue Trial and All Related Deadlines [**Doc. 129**] and Defendant Ja-Quann Greer-Johnson’s Motion to Adopt Motion to Continue Trial and All Other Deadlines [**Doc. 132**] are **GRANTED**;
- (2) the trial of this matter is reset to commence on **January 7, 2025, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **August 30, 2024**, and the new trial date of **January 7, 2025**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **December 9, 2024**;
- (5) the deadline for filing motions *in limine* is **December 18, 2024**;
- (6) the parties are to appear before the undersigned for a final pretrial conference on **December 19, 2024, at 1:30 p.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **December 27, 2024**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge